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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

IN RE: CV SCIENCES, INC. SECURITIES
LITIGATION

Case No. 2:18-cv-01602-JAD-BNW

CLASS ACTION

This Document Relates to: All Actions

**JOINT STIPULATION AND
[PROPOSED] ORDER TO ALTER
DISCOVERY DEADLINES (SECOND
REQUEST) AND DEADLINES
RELATED TO MOTION TO COMPEL**

Pursuant to Local Rule 26-4, Lead Plaintiff Richard Ina, Trustee for the Ina Family Trust (“Plaintiff”), and Defendants CV Sciences, Inc., Michael Mona, Jr., Joseph D. Dowling, and Michael Mona, III (“Defendants”), by and through their undersigned counsel, hereby stipulate to extend the discovery deadlines and other deadlines in the February 19, 2020 Stipulated Discovery Plan and Scheduling Order Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1 (ECF No. 78) (the “Discovery Scheduling Order”) and Joint Stipulation and Order to Alter Discovery Deadlines (First Request) (ECF Nos. 83 and 84) as follows:

1. Completed Discovery

The parties have engaged in discovery since the Discovery Scheduling Order was entered in February 2020 and the Stipulated Order was entered in June 2020. In March 2020, the parties exchanged initial disclosures. In April 2020, the parties entered into a protective order (ECF No. 81) and Plaintiff served document requests and Plaintiff’s first set of interrogatories and requests for admission on Defendants. In May 2020, Plaintiff served a second set of interrogatories on Defendants Joseph D. Dowling and Michael Mona, III. In June 2020, Defendants served objections and responses to Plaintiff’s discovery requests. Plaintiff thereafter engaged with Defendants in meet and confer efforts concerning their objections and responses to his discovery requests. These efforts are still ongoing with Defendants CV Sciences, Inc. and Joseph Dowling. In July 2020, Defendant CV Sciences, Inc. served requests for production, a request for admission, and interrogatories on Plaintiff. In August 2020, Plaintiff objected and responded to these requests and produced responsive documents. In September 2020, Defendants CV Sciences, Inc. and Joseph Dowling produced documents responsive to Plaintiff’s earlier requests for production. Finally, in October 2020, Plaintiff filed a motion to compel and for sanctions related to the Mona Defendants’ discovery responses (ECF No. 88). This motion is still pending.

2. Remaining Discovery

Plaintiff is in the process of reviewing CV Sciences, Inc.’s and Joseph Dowling’s document production and may thereafter present any challenges to the production. Moreover, Defendants will need to provide a privilege log for the responsive documents that they have withheld. Defendants are also in the process of reviewing Plaintiff’s document production and may thereafter

present any challenges to the production. In light of the volume of responsive information that may still need to be produced and reviewed by the parties, relevant witnesses have not been completely identified, depositions have not yet been noticed, third-party subpoenas have not been issued, and class certification discovery has not concluded.

3. Good Cause

Good cause to extend the discovery deadlines set forth in the Discovery Scheduling Order exists because the current deadline for the end of fact discovery—by which date all depositions must be completed—is January 8, 2021. The parties will not be able to review documents, resolve their various pending and potentially upcoming challenges of each other's responses and productions, or conduct depositions of all witnesses by this date (especially if depositions require parties or their counsel to travel). These concerns are magnified by ongoing difficulties related to the Covid-19 pandemic. Pursuant to Local Rule 26-3, this request is being made more than 21 days prior to the January 8, 2021 deadline, and it is the parties' second request for an extension of the discovery deadlines.

4. Current Discovery Deadlines

The following dates are the discovery deadlines currently set forth in the Discovery Scheduling Order:

- End of Fact Discovery: January 8, 2021
- Time from answer to close of fact discovery: 367 days
- Motion to Amend or Add New Parties: February 8, 2021
- Interim Status Report: March 2, 2021
- Expert Report and Disclosures
 - Initial Reports Due: March 9, 2021
 - Rebuttal Reports Due: April 9, 2021
- Close of Discovery: May 6, 2021
- Dispositive Motions
 - Opening Brief: June 7, 2021
 - Opposition Brief: July 22, 2021

- Reply Brief: August 12, 2021

5. Proposed Discovery Deadlines

The parties have agreed to an extension of approximately 3.5 months to each of the deadlines set forth in the current Discovery Scheduling Order, as set forth below:

- End of Fact Discovery: April 22, 2021
- Time from answer to close of fact discovery: 471 days
- Motion to Amend or Add New Parties: May 24, 2021
- Interim Status Report: June 16, 2021
- Expert Report and Disclosures
 - Initial Reports Due: June 23, 2021
 - Rebuttal Reports Due: July 23, 2021
- Close of Discovery: August 20, 2021
- Dispositive Motions
 - Opening Brief: September 21, 2021
 - Opposition Brief: November 5, 2021
 - Reply Brief: December 3, 2021¹

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants, through their respective counsel, to the entry of an Order extending the deadlines in the Discovery Scheduling Order as set forth above.

Additionally, Plaintiff and Defendants have met and conferred and stipulate to a brief extension of the Mona Defendants' time to respond to Plaintiff's Motion to Compel Discovery from and Sanction the Mona Defendants (ECF No. 88) for one week based on the complexity of the issues raised therein.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by Plaintiff and Defendants, through their respective counsel, to the entry of an Order extending the deadline for

¹ This deadline is extended by seven additional days to account for the Thanksgiving holiday.

any Opposition to Plaintiff's Motion to Compel Discovery from and Sanction the Mona Defendants (ECF No. 88) to October 26, 2020, with any Reply due by November 2, 2020.

IT IS SO STIPULATED.

Respectfully submitted,

Dated: October 14, 2020

By: /s/ Richard W. Gonnello
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Dated: October 14, 2020

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ORDER

The parties' stipulation is GRANTED in part and DENIED in part.

The Court grants the parties' request for a one-week extension of the deadline to file responses to the motion at ECF No. 88.

Regarding the parties' desire to displace the deadlines in the discovery plan and scheduling order ("DPSO") by 3.5 months, the Court recognizes the complexity of this case but it finds that the basis for the parties' request is somewhat speculative (e.g., "potentially upcoming challenges"). The Court is happy to consider a subsequent extension if the parties can offer more concrete reasons for why discovery cannot be safely completed, but for now IT IS ORDERED that the deadlines in the operative DPSO are extended by only **30 days**.

IT IS SO ORDERED

DATED: 12:21 pm, October 16, 2020



**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**